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Mailed: JAN 29 2004

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Paper No. 7

In re application of
Barrett Richard Bobsein et al.
Serial No. 09/783,738
Filed: February 15, 2001
For: BINDER COMPOSITION

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 28, 2003, for failure to respond to the Notice to File Missing Parts, dated April 5, 2001. Applicants assert that a timely response was filed.

DECISION

Since petitioner asserts that all papers were timely filed, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit.

Applicants contend that all papers were timely filed originally, on February 15, 2000. Further, in response to the said Notice, applicants' faxed in a copy of all papers that were filed on April 13, 2001. A copy of said fax, and its filing date are attached as evidence. Also, through researching applicants' own fee records, they have credibly shown that the \$710 fee required by the Notice was charged by the USPTO on February 23, 2001 under attorney docket A01013 to the incorrect US case (09/784013), which is not the property of Rohm and Haas Company. Of note, the \$710 fee charged to the incorrect US file was withdrawn on April 5, 2001, as seen on the RAM Fee History of the case.

Therefore, the Notice of Abandonment dated July 14, 2003 is hereby withdrawn.

The Petition is **GRANTED**.

The case will be delivered to OIPE and returned to pending status. OIPE will then enter of all of the attached papers, and charge the basic filing fee as required by the Notice to File Missing Parts. After such is completed, the case will be returned to the TC for assignment and examination.

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